

DELTA AGRICULTURAL CONSERVATION EASEMENT DISCUSSION GROUP CONVENED BY THE DELTA PROTECTION COMMISSION

JUNE 11, 2008 MEETING, WALNUT GROVE

ATTENDEES

Vince Guise, Contra Costa County Agricultural Commissioner

Ken Trott, Ca Department of Food and Agriculture

Maria Wong, Yolo Habitat JPA

Rick Landon, Yolo County Agricultural Commissioner

Kent Britton, UC Cooperative Extension, Solano/Yolo/Sacramento

Diane L. Metz, UC Cooperative Extension

Bill Martin, Central Valley Farmland Trust

Larelle Burkham-Greydanus, Ca Department of Conservation, Ca Farmland Conservation Program

Topper Van Loben Sels, Delta Protection Commissioner

Edward Stanton, American Land Conservancy

Julie Carr, Sacramento County Planning Department

Scott Hudson, San Joaquin County Agricultural Commissioner

Jim Allan, Solano County Agricultural Commissioner

Frank Carl, Sacramento County Agricultural Commissioner

Kim Anderson, San Joaquin County Council of Governments

Suzanne Butterfield, Delta Protection Commission

Alex Westhoff, Delta Protection Commission

Linda Fiack, Delta Protection Commission

Meeting Notes

All five delta county Agricultural Commissioners and two UC Cooperative Extension personnel who cover the delta counties participated in the meeting. Each agricultural commissioner and cooperative extension representative was asked to give their views about agricultural conservation easements as a

tool to use in the delta to help support and protect agriculture, then other members of the discussion group were asked to comment – here is a summary of the discussion which will be used to redraft the latest white paper on the subject , which is on the Delta Protection Commission website, www.delta.ca.gov)

Kent Britton

- What is the viability/sustainability of easements over time? The older generation is retiring, who is going to farm the land? What happens when there is a downturn in agriculture? What is done when the easement can no longer be properly farmed?

Frank Carl

- Agreed with the above concerns about easements. Long term issues are always a concern. What about an Annuity as a condition of an easement, with reimbursement over time. May not be able to get a loan on a property with an easement on it. (Bill Martin, Central Valley Farmland Trust commented that an easement doesn't speak to sustainability, it just guarantees that the land will be available to be farmed. Sustainability is almost a separate issue. He hasn't experienced that the ag landowner with an easement on property has not been able to get financing).
- Could ag easements end up creating open space without agriculture, negatively impacting neighboring farms? Bill Martin says his organization doesn't dictate what the farmer does with the property.

Rick Landon

- Agrees with one time payment for an ag conservation easement possibly creating a sustainability problem. Agrees with fellow ag commissioners concerns expressed. He sees a lot of habitat easements and is concerned about the conversion of ag land to habitat. It seems to be done without a strategy.

Vince Guise

- There needs to be strategic thinking about Habitat and Agriculture conservation easements. Who wants weed patches? It is getting worse. There are competing land trusts. Perhaps some should be consolidated to reduce management costs. There is more value to the public through agricultural tourism and easements vs a hodge podge of weeds, agriculture and habitat.

Jim Allen

- He agrees with Frank Carl. If there is not a mechanism to ensure agricultural viability, people will walk away and the land becomes a wasteland, or will flood and not become viable for agriculture. There needs to be a component to ensure viability of agriculture. Extrinsic issues can

affect viability. Avoid too much checkerboarding. But if consolidate ag and habitat easements, could lose levees. Perhaps if there were more houses near levees there would be more political pressure to maintain the levees. Strategic Easement planning is needed.

Scott Hudson

- Ag easements should be flexible in the type of agriculture allowed. Agriculture needs to be defined (horses, chickens and dairies included?). It should be a voluntary program. The urban/ag interface – a little of each causes nightmares for ag commissioners, but if you start drawing lines, people get excited. Must address ag support industry and resources (ie water) needed to keep agriculture viable.

Julie Carr

- The South Sacramento Habitat Conservation Plan recognizes the importance of agriculture.

Ed Stanton

- Agrees with the need for flexibility in type of ag that can be done on an easement. Several counties in Northern California are looking into requiring a conditional use permit for easements. For example, Modoc County is seriously looking into the issue because every time they (planners, officials) turn around to build, there's an easement.
- There is no central recipient for easements. There needs to be infrastructure to support ag easements such as buying water rights and moving it around to where needed.

Topper Van Loben Sels

- The Delta Protection Commission wants to build a program that incorporates your views. The Delta is different than other parts of the state due to the Delta Protection Act. The Act calls for the preservation of agriculture, wildlife habitat and recreation.

Larelle Burkham-Greydanus

- CFPC easements rely on economic incentives. Flexibility on crops is allowed. She only knows of one easement that has gone out of production. It went out of production due to eminent domain in Solano County. Equestrian uses are complimentary but not allowed to be primary use of ag easement land. Should DOC grant program have a Delta grant program to match USDA funds for ag easements? DOC management is working hard to get funding for more kinds of ag easements.

Kim Anderson

- They have an agricultural land mitigation plan in the central part of the county as part of their development offset requirement of 1 to 1. They want sustainability of agriculture. They are ok with habitat enhancement too if appropriate.

Bill Martin

- In regard to viability of a Land Trust: his land trust came about as a merger of four land trusts. They have 2 full time staff. They usually have money for land acquisition but getting money for staffing is not easy. They are exclusively an Agricultural land trust. They annually monitor the property for violations. There is no restriction on agriculture. If there is the potential for an ag easement in the path of development they ask the County for a Resolution of support so the county knows what is happening. They are restricted to paying appraised value for the easement. It is hard to be strategic with ag easements if it is voluntary only. They have many more applications from ag landowners than they have money available so they ask which are the most viable for agriculture. He works with San Joaquin COG for example and hands over names of interested property owners to them, for their easement program.

Maria Wong

- There are 70 species of plants and animals they are protecting. They work closely with the ag commissioner. Voluntary involvement by landowners only. Water is important. They do have crop limitations but would like to change that. Tools to protect agriculture are needed beyond easements.

Ken Trott

- Society is going to be needing land for food for a long time. Land needs to be available. SB 695, calls for a Conservation Easement Registry for state acquired easements. Critical mass of agricultural land is needed. It is hard to get counties to designate agricultural support industry areas.

Group discussion towards revising the draft White paper on Agricultural Easements in the Delta.

This white paper will, when ready, be provided to all pertinent organizations who have an interest in this subject in the Delta. It may influence legislation that is under consideration relative to Delta governance.

Comments made by participants regarding changes to the draft white paper are as follows:

- Include statement that balances the land uses of the delta- agriculture, habitat and recreation.
- Be flexible- there are too many unknowns
- Back door- money comes back if? That is standard language in CFPC program.
- We should have an opening statement that recognizes the multiple values of the delta and to the extent feasible, efforts should be made to seek to preserve the agricultural economic base of the delta.

- Delta as a Place – without agriculture what else is there? There needs to be a balance of land uses, for agriculture, wildlife and recreation.
- Other values add to the sustainability of agriculture such as maintenance of levees, and access to water, both quality and quantity. What happens if an easement is provided, levee breaks, island floods and the decision is to not fix the levee. There is a judicial process to address this, says a land trust representative.
- Write Adaptability into the easement program.
- Legislation may funnel money into a new Delta Conservancy for use by land trusts to purchase ag easements.
- Don't downplay ecotourism and recreation because if the overall value of the delta is heightened that's good for agriculture too.
- With all the regulations growers have to contend with, what about the concept of an ombudsman in the delta to help the growers address these regulations. Anything to help increase the value of agriculture in the delta.
- It is paramount to the sustainability of agriculture in the delta, to maintain a critical mass of agricultural land, infrastructure, resources and farmers. The Ag Issues Center at UCD should be asked how they define critical mass.
- All schools in the delta should be required to have an ag program.
- We should identify barriers to landowner participation in easement programs. An education component is needed to break down those barriers.
- Flood easements are needed too.
- What are the lands we need to protect? (GIS maps produced so far by DPC staff help with this)
- Department of Parks and Recreation, Central Valley Initiative. Agriculture is included. Could recreation and tourism be centered around agriculture in the delta?
- Next meeting of this group – invite key landowners who have easements to talk with us.